

STATE OF SOUTH CAROLINA

(Caption of Case)

**Application of PRTCommunications, LLC for
Designation as an Eligible Telecommunications
Carrier**

**BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA**

COVER SHEET

DOCKET

NUMBER: _____ - _____ - _____

(Please type or print)

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DOCKETING INFORMATION (Check all that apply)

- ☐ **Emergency Relief demanded in petition** ☐ **Request for item to be placed on Commission's Agenda expeditiously**
- ☐ **Other:** _____

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)		
<input type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Letter	<input type="checkbox"/> Request
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certification
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement
<input type="checkbox"/> Electric/Water/Telecom.	<input checked="" type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition
<input checked="" type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other:
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest	
<input type="checkbox"/> Other:	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit	
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report	

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August 5, 2008

Mr. Charles L. A. Terreni
Chief Clerk/Administrator
South Carolina Public Service Commission
Synergy Business Park, The Saluda Building
101 Executive Center Drive
Columbia, South Carolina 29210

Re: Application of PRTCommunications, LLC for Designation
as an Eligible Telecommunications Carrier

Dear Mr. Terreni:

Enclosed for filing on behalf of PRTCommunications, LLC, please find an Application for Designation as an Eligible Telecommunications Carrier. Also enclosed is a proposed Notice of Filing and Hearing.

Thank you for your assistance.

Very truly yours,



Margaret M. Fox

MMF/rwm
Enclosure

cc: Nanette S. Edwards, Esquire

BEFORE THE
PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

Application of)	
PRTCcommunications, LLC)	
For Designation as an)	Docket No. _____
Eligible Telecommunications)	
Carrier)	

**Application of PRTCcommunications, LLC for Designation as an Eligible
Telecommunications Carrier**

Pursuant to Section 214(e)(2)¹ of the Communications Act of 1934, as amended (the "Act"), PRTCcommunications, LLC ("PRTC" or the "Company") hereby files this application ("Application") with the South Carolina Public Service Commission ("Commission") for designation as an Eligible Telecommunications Carrier ("ETC").² In this Application, PRTC requests ETC designation within its licensed wireless service area in South Carolina in the non-rural incumbent local exchange carrier ("ILEC") wire center in Laurens, which is served by Verizon South Inc. ("Verizon"), in the non-rural ILEC wire centers in Clinton and Fountain Inn, which are served by BellSouth Telecommunications, Inc. d/b/a AT&T South Carolina ("AT&T"), and in the entire rural ILEC study area served by PRTC's sole owner, Piedmont Rural Telephone Cooperative,

¹ 47 U.S.C. § 214(e)(2).

² Exhibit A attached hereto is an affidavit of Randal J. Odom, Chief Financial Officer of the Company attesting to the accuracy of the information contained in this application, and certifying that all federal high-cost universal service support received as a result of approval of this Application will be used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended.

Inc. ("PRT Cooperative").³ As demonstrated below, PRTC meets all of the statutory and regulatory prerequisites for designation as an ETC in these areas. Furthermore, designation of PRTC as an ETC in these areas will serve the public interest. PRTC does not seek support from the South Carolina Universal Service Fund.

I. Requirements for ETC Designation

1. Section 254(e) of the Act provides that only an ETC designated under section 214(e) shall be eligible to receive federal universal service support ("USF").⁴
2. Section 214(e)(1) of the Act sets forth the requirements which must be contained in an ETC application. The Commission has summarized these requirements as follows:

(1) a demonstration of the petitioner's capability and commitment to offer all services that are supported by the USF; (2) a demonstration of the petitioner's capability and commitment to offer the supported services 'either using its own facilities or a combination of its own facilities and resale of another carrier's services;' (3) a description of how the petitioner will 'advertise the availability of the [supported services] and the charges therefore using media of general distribution;' and (4) a detailed description of the geographic service area for which it requires an ETC designation from the Commission."⁵

3. Section 214(e)(2) gives States the primary responsibility for granting ETC status.⁶

This section of the Act also requires the Commission to grant competitive ETC applications in areas served by non-rural ILECs if it is consistent with the public

³ Exhibit B attached hereto lists the wire centers for which designation is sought. PRTC seeks ETC designation for the area that coincides with its wireless footprint. PRTC's wireless footprint covers the entire Clinton and Laurens wire centers, a portion of the Fountain Inn wire center, and the entire rural company study area served by PRT Cooperative. While PRTC proposes to be designated in only a portion of the Fountain Inn wire center, the entire area for which PRTC seeks designation is larger than a wire center, and designation is appropriate.

⁴ 47 U.S.C. § 254(e).

⁵ Application of HTC Communications, LLC for Designation as an Eligible Telecommunications Carrier under U.S.C. 214(e) (2), Docket No. 2007-402-C – Order No. 2008-273 at 2 (SC PSC Apr. 17, 2008) ("*HTCC Order*") citing 47 U.S.C. § 214(e)(1); 47 C.F.R. § 54.201.

⁶ 47 U.S.C. § 214(e)(2).

interest, convenience, and necessity, and provides that the Commission “may, in the case of an area served by a rural telephone company . . . designate more than one common carrier as an ETC for a service area designated by the Commission.”⁷ In order for the Commission to designate an ETC in an area served by a rural telephone company, the Commission shall find that the designation is in the public interest.⁸

4. On May 1, 2008, the Federal Communications Commission (“FCC”) released an Order which establishes, on an interim basis, a cap on competitive ETC support for each state.⁹ As explained in this Order, “as of the effective date of this Order, total annual competitive ETC support for each state will be capped at the level of support that competitive ETCs in that state were eligible to receive during March 2008 on an annualized basis.”¹⁰ The cap will remain in place until the FCC adopts comprehensive USF reform measures.¹¹ In adopting a cap at the state level rather than a nationwide level, the FCC addressed concerns that states may have incentives to designate additional competitive ETCs “for the sole purpose of increasing support to that state at the expense of other states”¹² Instead, the FCC found that under a state-based cap, that concern would no longer exist

⁷ *Id.*

⁸ *Id.*

⁹ See *High-Cost Universal Service Support; Federal-State Joint Board on Universal Service; Alltel Communications, Inc. et al. Petitions for Designation as Eligible Telecommunications Carriers; RCC Minnesota, Inc. and RCC Atlantic, Inc., New Hampshire ETC Designation Amendment*, WC Docket No. 05-337, CC Docket No. 96-45, Order, FCC 08-122 (rel. May 1, 2008).

¹⁰ *Id.* at para. 1. The Order became effective August 1, 2008, thirty days after it was published in the Federal Register. See *id.* at para. 45. The FCC allowed two exceptions to the cap: (1) “a competitive ETC will not be subject to the interim cap to the extent that it files its own cost data demonstrating that its costs meet the support threshold in the same manner as the incumbent LEC;” and (2) competitive ETCs that serve tribal lands or Alaska Native regions (the “Covered Locations”) will continue to receive uncapped high-cost support for lines served in those Covered Locations. *Id.* at paras. 31&32.

¹¹ *Id.* at para. 1.

¹² *Id.* at para. 26.

because it will “require newly-designated competitive ETCs to share funding with other competitive ETCs within the state.”¹³ The Commission also found that because states have the ability to grant or deny competitive ETC applications, a state-based cap will provide states with the flexibility “to direct competitive ETC support to the areas in the state that it determines are most in need of support.”¹⁴ As demonstrated herein, the areas for which PRTC seeks support include all of Laurens County and portions of Spartanburg, Union and Abbeville counties, all of which are predominately rural in nature. If designated as an ETC in these areas, PRTC will be able to utilize federal USF support to provide state-of-the-art wireless mobile voice and advanced services to these rural areas of the state and, because of the imposition of the cap, will be able to do so in a manner that will not jeopardize the stability of the federal USF fund.

5. As demonstrated below, PRTC meets all of the requirements set forth in sections 214(e) in the areas for which designation is sought. Accordingly, the Company should be designated an ETC and thus be eligible to receive federal USF.

II. PRTC Possesses the Capability and Commitment to Offer All Services that are Supported by the USF

6. PRTC is wholly owned by PRT Cooperative, a rural telephone company that serves a large portion of Laurens County, as well as small portions of Spartanburg, Union and Abbeville Counties. The Company is authorized by the FCC to provide commercial mobile radio service (“CMRS”) through the Personal Communications Services (“PCS”) license that is held by the Company. According to Section 51.5 of the Rules of the FCC, CMRS providers are

¹³

Id.

¹⁴

Id.

telecommunications carriers and shall be treated as common carriers under the Communications Act of 1934, as amended (the "Act") to the extent that they provide telecommunications services.¹⁵ PRTC uses its PCS license exclusively to provide telecommunications services. Accordingly, PRTC is classified as a common carrier for purposes of the Act.

7. The PCS license held by PRTC authorizes the Company to provide wireless telecommunications service to a submarket in the Charlotte – Greensboro – Greenville, NC Metropolitan Trading Area ("MTA").¹⁶ The area in South Carolina which is located in this submarket includes the entire county of Laurens, South Carolina, including the communities of Laurens and Clinton as well as the small portions of Spartanburg, Union and Abbeville Counties which are served by PRT Cooperative.¹⁷ The exchanges (NPA-NXX) in Laurens, 864-983 and 864-984, are served by Verizon while the Clinton exchange, 864-833, and the Fountain Inn exchange, 864-862, are served by AT&T. PRT Cooperative serves other exchanges in Laurens County, two of which extend into small portions of Spartanburg, Union and Abbeville Counties, all of which are located in PRTC's service territory. The Company's network currently provides

¹⁵ 47 C.F.R. § 51.5; *see* 47 U.S.C. 332(c)(1)(A) ("A person engaged in the provision of service that is a commercial mobile service shall, insofar as such person is so engaged, be treated as a common carrier for purposes of this Act, except for such provisions of Title II as the Commission may specify by regulation as inapplicable to that service or person.")

¹⁶ The call sign for the PCS license is MPTP284. The market is MTA006, submarket 16.

¹⁷ A map indicating the Company's licensed service area in South Carolina along with existing and proposed cell site locations is provided under separate cover with a motion for the map and related information regarding the proposed cell sites to be afforded confidential treatment.

wireless PCS service to over ninety-two percent of the population residing within its service territory.

8. Section 214(e)(1)(A) of the Act provides that carriers designated as ETCs shall, throughout the designated service area, offer the services that are supported by federal universal service support mechanisms.¹⁸ The services designated for support include:

- (1) Voice grade access to the public switched network ("PSTN");
- (2) Local usage;
- (3) Dual tone multi-frequency signaling ("DTMF Signaling") or its functional equivalent;
- (4) Single-party service or its functional equivalent;
- (5) Access to emergency services;
- (6) Access to operator services;
- (7) Access to interexchange service;
- (8) Access to directory assistance; and
- (9) Toll limitation for qualifying low-income consumers.

The Company offers all of the supported services throughout its entire service area, which includes the wire centers served by Verizon and AT&T¹⁹ and the entire study area of PRT Cooperative for which service area designation is sought.

9. Voice Grade Access to the PSTN. Section 54.101(a)(1) of the FCC's Rules defines voice grade access as "a functionality that enables a user of

¹⁸ 47 U.S.C. § 214(e)(1)(A); *see* 47 C.F.R. § 54.201(d)(1).
¹⁹ *See infra*, footnote 3; Exhibit B.

telecommunications services to transmit voice communications, including signalling the network that the caller wishes to place a call, and to receive voice communications, including receiving a signal indicating there is an incoming call.”²⁰ This rule also states that for the purposes of this rule, “bandwidth for voice grade access should be, at a minimum, 300 to 3,000 Hertz.”²¹ PRTC satisfies this requirement by offering its subscribers voice grade access at bandwidth between 300 and 3,000 Hertz.

10. Local Usage - The FCC has required that an ETC service offering must include local usage comparable to that offered by the ILECs in the areas where it seeks designation; however, the FCC has not prescribed a specific local usage requirement.²² In granting the ETC application of HTC Communications, LLC (“HTCC”), the Commission found that HTCC satisfied this local usage requirement by the fact that the company has “committed to develop and offer a wireless service plan that includes unlimited local calling in a manner and price that is the same as what is offered by the incumbent LEC in its designated service area.”²³ Similar to HTCC, PRTC satisfies this requirement in that it hereby commits to develop and offer a wireless service plan that includes unlimited local calling in a manner and price that is the same as what is offered by the incumbent LEC in its designated service area.

²⁰ 47 C.F.R. § 54.101(a)(1).

²¹ *Id.*

²² See, e.g., Federal-State Joint Board on Universal Service; Smith Bagley, Inc. Petition for Designation as an Eligible Telecommunications Carrier for the Navajo Reservation in Utah, CC Docket No. 96-45, Order, 22 FCC Rcd 2479 (2007) at para. 18 citing 47 CFR §54.209(a)(7) & Federal-State Joint Board on Universal Service, CC Docket No. 96-45, Report and Order, 20 FCC Rcd 6371, 6385 at para. 32 (2005) (“ETC Report and Order”).

²³ *HTCC Order* at 4.

11. DTMF Signaling or its Equivalent - Section 54.101(a)(3) of the FCC's Rules define DTMF as "a method of signaling that facilitates the transportation of signaling through the network, shortening call set-up time."²⁴ PRTC provides DTMF signaling.
12. Single-party service or its functional equivalent - The FCC has stated that "single-party service" means that "only one customer will be served by each subscriber loop or access line."²⁵ In the context of wireless telecommunications carriers that use spectrum shared among users to provide service, Section 54.101(a)(4) states that "single party service" means "a dedicated message path for the length of a user's particular transmission."²⁶ PRTC's PCS service is a wireless telecommunications service that uses spectrum shared among users to provide service and satisfies this requirement by providing a dedicated message path for the length of the user's particular transmission.
13. Access to emergency services - Section 54.101(a)(5) of the FCC's Rules states that "access to emergency services" includes "access to services, such as 911 and enhanced 911, provided by local governments or other public safety organizations."²⁷ PRTC provides all of its subscribers with access to 911 and is capable of providing E911 information to the appropriate Public Service Access Point ("PSAP").²⁸

²⁴ 47 C.F.R. § 54.101(a)(3).

²⁵ 47 C.F.R. § 54.101(a)(4). *See Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776, 8810 at para. 62 (1997).

²⁶ 47 C.F.R. § 54.101(a)(4).

²⁷ 47 C.F.R. § 54.101(a)(5).

²⁸ PRTC is both Phase I and Phase II E911 compliant; however the local PSAP is not currently ready or able to accept and process the E911 Phase II data.

14. Access to operator services – Section 54.101(a)(6) defines “access to operator services” as “access to any automatic or live assistance to a consumer to arrange for billing or completion, or both, of a telephone call.”²⁹ PRTC provides its subscribers with access to operator services as defined by Section 54.101(a)(6) by enabling subscribers to dial “0”.
15. Access to interexchange service – Section 54.101(a)(7) defines “access to interexchange service” in the context of a wireless carrier as the functional equivalent of the network elements necessary to access an interexchange carrier's network.³⁰ PRTC provides its subscribers with access to interexchange service as defined by Section 54.101(a)(7).
16. Access to directory assistance – Section 54.101(a)(8) defines “access to directory assistance” as “access to a service that includes, but is not limited to, making available to customers, upon request, information contained in directory listings.” PRTC provides its subscribers with access to directory assistance by enabling subscribers to dial “411.”
17. Toll limitation for qualifying low-income consumers – The FCC has ruled that “toll limitation for qualifying low-income consumers” means either “toll blocking” or “toll control” for ETCs that are incapable of providing both services.³¹ The FCC defined “toll blocking” as “a service provided by carriers that allows consumers to elect not to allow the completion of

²⁹ 47 C.F.R. § 54.101(a)(6).

³⁰ 47 C.F.R. § 54.101(a)(7). According to this rule, the network elements necessary to access an interexchange carrier's network include “the use of the loop, as well as that portion of the switch that is paid for by the end user.” *Id.*

³¹ See, e.g., *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Recommended Decision, FCC 04J-1 (rel. Feb. 27, 2004) at fn. 43 (“*Recommended Decision*”). The FCC rules provide that for ETCs that are capable of providing both services, “toll limitation” means both toll blocking and toll control. *Id.* citing 47 C.F.R. §§ 54.101(a)(9) and 54.400(d).

outgoing toll calls from their telecommunications channel” and defined “toll control” as “a service provided by carriers that allows consumers to specify a certain amount of toll usage that may be incurred on their telecommunications channel per month or per billing cycle.”³² The Company satisfies this requirement by providing toll limitation for qualifying low-income customers by utilizing “toll blocking.”³³

18. Upon becoming an ETC, the Company will make available a universal service offering that includes all of the supported services and will make this offering available in the wire centers for which service area designation is sought.

III. PRTC Possesses the Capability and Commitment to Offer the Supported Services Either Using its Own Facilities or a Combination of its Own Facilities and Resale of Another Carrier’s Facilities

19. Section 214(e)(1)(A) of the Act requires ETCs to offer the supported services using either its own facilities or a combination of its own facilities and resale of another carrier’s services.³⁴ The Company uses its existing CMRS network infrastructure, consisting of antennas, mobile switching, trunking, cell sites, network equipment and interconnection arrangements with other carriers, together with any expansions and enhancements to that network to provide the supported services in the wire centers in the areas for which it seeks designation.
20. The Commission has adopted additional requirements for an ETC applicant to demonstrate its capability and commitment to offer the supported services.³⁵

³² *Recommended Decision* citing 47 C.F.R. §54.400(b)&(c).

³³ The Company also offers prepaid wireless service which prevents the subscriber of the prepaid service from exceeding the allotted amount of minutes.

³⁴ 47 U.S.C. § 214(e)(1)(A).

³⁵ See Commission Regulation 103-690(C)(a) (published in The State Register on May 23, 2008).

These regulations are similar to ones adopted by the FCC for ETC applicants.³⁶

As demonstrated below, PRTC satisfies all of these requirements.

21. Commitment to Provide Service to All Customers Making Reasonable Request for Service

The Commission's regulations require an ETC applicant to commit to providing service throughout the applicant's proposed designated service area to all customers making a reasonable request for service by certifying that it will "provide service on a timely basis to requesting customers within the applicant's service area where the applicant's network already passes the potential customer's premises in areas."³⁷ If the potential customer is within the applicant's licensed service area but outside its existing network coverage, the applicant must certify that service will be provided within a reasonable period of time if service can be provided at reasonable cost by:

- (a) modifying or replacing the requesting customer's equipment;
- (b) deploying a roof-mounted antenna or other equipment; (c) adjusting the nearest cell tower; (d) adjusting network or customer facilities; (e) reselling services from another carrier's facilities to provide service; or (f) employing, leasing or constructing an additional cell site, cell extender, repeater, or other similar equipment.³⁸

PRTC hereby commits to offer its services to customers making reasonable requests for such in accordance with the process set forth in Commission and FCC regulations.³⁹

³⁶ See 47 C.F.R. § 54.202(a).

³⁷ R. 103-690(C)(a)(1)(A)(1).

³⁸ R. 103-690(C)(a)(1)(A)(2). This process is identical to the process set forth by the FCC in Section 54.202(a)(1)(i)(B) of its rules. See 47 C.F.R. § 202(a)(1)(i)(B).

³⁹ See *HTCC Order* at 4 (Commission recognizing that HTCC satisfied this requirement by committing to offer its services to customers making reasonable requests for service as set forth in the Commission's recently adopted requirements and the FCC's rules).

22. Plan Specifying Improvements and Upgrades

The Commission requires ETC applicants to submit a two-year plan that “describes with specificity proposed improvements or upgrades to the applicant’s network on a wire center-by-wire center basis, or on a cell site-by-cell site basis if the applicant is a wireless carrier” throughout its proposed designated service area.⁴⁰ In conjunction with the submission of this Application, PRTC is submitting its confidential plan which demonstrates how the Company plans to expand its network to ensure that “unserved and underserved rural or high-cost areas will receive sufficient signal quality, that coverage or capacity will improve due to the receipt of high-cost support throughout the area for which [the Company] seeks designation.”⁴¹ The plan contains detailed maps of the coverage area before and after proposed improvements, including existing cell site locations and coverage, and the locations and coverage of new cell sites or nodes which the Company plans to construct over the next two years. Additionally, the plan describes specific geographic areas where improvements will be made; includes projected start and completion dates for each improvement funded by support; specifies estimated amounts of investment for each project funded by the support; specifies the estimated population to be served by the improvements; and explains the basis if improvements are not needed. The plan also shows how funding will be used to further supported services and provides a statement as to how improvements funded by support would not otherwise occur absent support, and would be used in addition to normal expenses incurred. In addition to the

⁴⁰ R. 103-690(C)(a)(1)(B). The regulations specify nine items which must be detailed in the plan.

⁴¹ *Id.* Because the plan contains sensitive and confidential information, it is being submitted separately accompanied with a motion seeking confidential treatment.

submission of the plan, the Company hereby commits to providing annual progress reports.

23. Functionality in Emergencies

The Commission's regulations require that an ETC applicant demonstrate its ability to remain functional in emergency situations, including a demonstration that it has a "reasonable amount of back-up power to ensure functionality without an external power source, its ability to reroute traffic around damaged facilities, and its capability of managing traffic spikes resulting from emergency situations."⁴² PRTC has made sure that all (wireless) nodes in the network are equipped with at least two- to four-hour battery backup power (dependent on actual subscriber usage) and standby generator ports for deployment of mobile power generators in the event of utility power failure. All traffic is transported on redundant SONET systems to protect against facility cable cuts and equipment failure.

24. Satisfaction of Consumer Protection and Service Quality Standards

The Commission requires that an ETC applicant demonstrate that it will satisfy applicable consumer protection and quality standards.⁴³ The Commission has determined that a commitment by an applicant to comply with the Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service ("CTIA's Code") satisfies this requirement.⁴⁴ PRTC hereby certifies that it is committed to complying with CTIA's Code.

⁴² R. 103-690(C)(a)(2).

⁴³ R. 103-690(C)(a)(3).

⁴⁴ *Id.*

25. Offers Local Usage Plans Comparable to ILECs

The Commission requires that an ETC applicant demonstrates that it offers a local usage plan comparable to the one offered by the ILEC in the service areas for which it seeks designation.⁴⁵ As described under section II above, PRTC satisfies this requirement by committing to develop and offer a wireless service plan that includes unlimited local calling in a manner and price that is the same as what is offered by the incumbent LEC in its designated service area.

26. Affidavits

Under the Commission's requirements, ETC applicants must certify by affidavit signed by an officer of the company that the carrier "acknowledges that the Federal Communications Commission may require it to provide equal access to long distance carriers in the event that no other eligible telecommunications carrier is providing equal access within the service area."⁴⁶ Attached to this Application as Exhibit A is the affidavit of Randal J. Odom, Chief Financial Officer of the Company certifying that the Company understands that it may be required to provide equal access in the event no other ETC is providing equal access.

27. Additionally, under the Commission's requirements, ETC applicants must certify by affidavit signed by an officer of the company that the company offers or will offer the supported services "by using its own facilities or a combination of its

⁴⁵ R. 103-690(C)(a)(4).

⁴⁶ R. 103-690(C)(a)(5).

own facilities and resale of another carrier's services."⁴⁷ In the affidavit of Randal J. Odom, Chief Financial Officer of the Company attached as Exhibit A, Mr. Odom makes such a certification.

28. Also, under the Commission's requirements, ETC applicants must certify by affidavit signed by an officer of the company that the company "does or will advertise in a media of general distribution the availability of such services, including lifeline services and the applicable charges."⁴⁸ In the affidavit of Randal J. Odom, Chief Financial Officer of the Company attached as Exhibit A, Mr. Odom certifies that the Company will be in compliance with all state and federal LifeLine/Link-Up requirements including certification, verification and outreach requirements.

IV. PRTC will Advertise the Availability of the Supported Services and Charges Using Media of General Distribution

29. Section 214(e)(1)(B) of the Act provides that carriers designated as ETCs shall advertise the availability of such services and the charges therefore using media of general distribution.⁴⁹ In granting ETC designation to HTCC, the Commission found that HTCC satisfied this requirement by committing to make advertisements of the availability of the services supported by federal USF and their applicable charges in the same manner as the ILECs and that the advertisements would be "designed to disclose to all potential customers the services available to them, and the applicable charges for those services, including Lifeline and Link-Up programs for

⁴⁷ R. 103-690(C)(a)(6).

⁴⁸ R. 103-690(C)(a)(7).

⁴⁹ 47 U.S.C. § 214(e)(1)(B); *see* 47 C.F.R. § 54.201(d)(2).

qualifying low-income individuals.”⁵⁰ Likewise, PRTC hereby commits to advertise the availability of the services supported by federal USF and their applicable charges in the same manner as the ILECs in its proposed designated service area and to design the advertisements to disclose to all potential customers the services available to them, and the applicable charges for those services, including Lifeline and Link-Up programs for qualifying low-income individuals. Methods of such advertising may include television, radio, newspaper, direct mailing, bill inserts, telephone directory advertising and billboard advertising.

V. PRTC Provides a Detailed Description of the Geographic Service Area for Which the Company Requests ETC Designation

30. As recognized by the Commission, Section 214(e)(2) requires that the Commission grant competitive ETC applications in areas served by non-rural ILECs if the requirements of Section 214(e)(1) are met, consistent with the public interest, convenience, and necessity.⁵¹ These non-rural telephone company service areas are the Laurens wire center which is served by Verizon and the Clinton and Fountain Inn wire centers which are served by AT&T. Also, as recognized by the Commission, pursuant to Section 214(e)(2), “in areas served by a rural telephone company, the [Commission] must determine whether the public interest would be served by a grant.”⁵² The area served by a rural telephone company for which the Company seeks designation is the entire study area of PRT Cooperative.⁵³

⁵⁰ HTCC Order at 4.

⁵¹ *Id.* at 8, citing 47 U.S.C. 214(e)(2).

⁵² *Id.*

⁵³ See Exhibit B listing the wire centers for which ETC designation is sought.

31. As demonstrated above, the Company meets all of the requirements of Section 214(e)(1). As demonstrated below, the Company demonstrates that designation in both the areas served by non-rural telephone companies and in the area served by PRT Cooperative would be in the public interest.
32. The FCC has set forth a framework for determining whether the public interest will be served in these situations.⁵⁴ Under this framework, the FCC considers the following:

the benefits of increased competitive choice, the impact of the designation on the universal service fund, the unique advantages and disadvantages of the competitor's service offering, any commitments made regarding quality of telephone service, and the competitive ETC's ability to satisfy its obligation to serve the designated service area within a reasonable time frame.⁵⁵

The Commission has also adopted similar factors in determining whether grant would be in the public interest.⁵⁶ Under its regulations, the Commission shall consider "the benefits of increased consumer choice, and the unique advantages and disadvantages of the applicant's service offering."⁵⁷ PRTC meets all of these criteria and demonstrates that designation in the areas served by the non-rural telephone companies, Verizon and AT&T and the rural telephone company, PRT Cooperative, is in the public interest.

1. Benefits Derived From Including the Area Served by PRT Cooperative

⁵⁴ See *Federal-State Joint Board on Universal Service; Virginia Cellular, LLC Petition for Designation as an Eligible Telecommunications Carrier for the Commonwealth of Virginia*, Memorandum Opinion and Order, CC Docket No. 96-45, 19 FCC Rcd 1563, para. 1 (2004); *Federal-State Joint Board on Universal Service; Highland Cellular, Inc. Petition for Designation as an Eligible Telecommunications Carrier for the Commonwealth of Virginia*, Memorandum Opinion and Order, CC Docket No. 96-45, 19 FCC Rcd 6438, para. 33 (2004) ("Highland Cellular Order").

⁵⁵ Highland Cellular Order at para. 22.

⁵⁶ R. 103-690(C)(b).

⁵⁷ *Id.*

33. Several benefits will be derived by having PRTC designated as an ETC in the service territory of its sole owner wireline company, PRT Cooperative. For example, many who live in the rural part of the State served by PRT Cooperative often must drive significant distances to places of employment, stores and schools. The Company's wireless voice and data service offerings enable these consumers to stay in touch with loved ones and others while on the road, which gives them an added sense of security as well as the ability to communicate while in transit or if an emergency arises. If designated as an ETC, the Company commits to providing improved coverage as explained below and will advertise the availability of its universal service offerings to those in this rural portion of South Carolina.

2. No "Creamskimming" Will Occur

34. "Creamskimming" occurs when competitors serve only the low-cost, high revenue customers in a rural telephone company's study area.⁵⁸ In its regulations, the Commission has determined that a creamskimming analysis will only be conducted in instances where an ETC applicant seeks designation below the study area level of a rural telephone company.⁵⁹ Because PRTC seeks designation for the entire study area of PRT Cooperative, there is no concern that creamskimming will occur.⁶⁰

⁵⁸ Highland Cellular Order at para. 26.

⁵⁹ R. 103-690(C)(b).

⁶⁰ See *ETC Report and Order*, 20 FCC Rcd at 6392, para. 49 (FCC stating that there are no creamskimming concerns when a competitive ETC seeks designation for an entire rural service area "because the affected ETC is required to serve all wire centers in the designated area").

3. PRTC's Offerings are Unique

35. In addition to offering all of the supported services and offerings similar to other wireless carriers, the Company offers its subscribers bundled calling plans which include flat-rate plans. Additionally, unlike the large national wireless carriers, PRTC is locally owned and operated and has local offices that are conveniently located in the rural communities.

4. PRTC Provides High Quality Service and is Able to Meet the Needs of Communities in a Reasonable Time Frame

36. PRTC further demonstrates its capability to offer the supported services by the fact that it has been in operation since September 28, 2000 and currently has over 7,500 subscribers, and that it has a state-of-the-art wireless network which provides mobile voice and advanced services such as messaging services, wireless Internet access, mobile media & entertainment, mobile banking, gaming, parental controls as well as features such as voice mail, call waiting, caller ID, call forwarding and three-way calling. As of March 2008, PRTC had a call completion rate of 99.22 percent.
37. The Company utilizes a Nokia Wireless Base Transceiver Station ("BTS") network which is part of the AT&T Wireless Network. This network currently provides wireless PCS service to over 92 percent of the population residing within the service boundary. Benefits of being part of the AT&T Wireless Network include full digital switching provided by a centralized fully redundant Nokia Base Station Control ("BSC") and CALEA compliant switches. Through this state-of-the-art network, PRTC is able to provide wireless service to the local community, to emergency service providers and to public school systems with

coverage that exceeds that of all other carriers operating within the service boundary. PRTC also provides all subscribers access to emergency services and is already E911 Phase II compliant even though the local PSAP has not yet indicated that it is ready to receive and process the E911 Phase II information. Because the Company is a small business and locally owned, it is aware of the needs of its customer base and can react quickly to their needs. This personalized service is further enhanced by the fact that the Company's employees are from the rural areas where the Company serves.

VI. High Cost Certification

38. Section 254(e) of the Act requires all ETCs to use universal service support "only for the provision, maintenance and upgrading of facilities and services for which the support is intended."⁶¹ The FCC has ruled that states must file annual certifications with the FCC to ensure that this is the case and stated its belief that "the state certification process provides the most reliable means of determining whether carriers are using support in a manner consistent with section 254(e)."⁶² Because the FCC requires that the state of South Carolina make such a certification on behalf of PRTC if the Company is designated an ETC, PRTC hereby certifies, by affidavit of Randal J. Odom attached to this Application as Exhibit A, that if designated as an ETC, upon receipt of the federal high cost USF, it will use these funds only for the provision, maintenance, and upgrading of facilities and services for which the support is intended. PRTC respectfully

⁶¹ 47 U.S.C. § 254(e).

⁶² *Federal-State Joint Board on Universal Service, CC Docket No. 96-45, Fourteenth Report and Order and Twenty-Second Order on Reconsideration, Multi-Association Group (MAG) Plan for Regulation of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interexchange Carriers, CC Docket No. 00-256, Report and Order, 16 FCC Rcd 11244, para. 188 (2001).*

requests that the Commission issue a finding that PRTC has met the high-cost certification requirement and that PRTC is, therefore, entitled to begin receiving high-cost support consistent with the FCC's USF distribution rules as of the date PRTC is granted ETC status.

VII. Conclusion

39. For the foregoing reasons, PRTC respectfully requests that the Commission (1) grant this Application and designate the Company as an ETC in the Laurens, Clinton and Fountain Inn⁶³ non-rural LEC wire centers served by Verizon and AT&T, respectively, and in the entire study area of the rural LEC, PRT Cooperative, which are specified in Exhibit B to this Application; (2) certify to the FCC that PRTC will use the support for its intended purposes; and (3) grant such other and further relief as is just and proper.

Respectfully submitted,

By: 

M. John Boyen, Jr.
Margaret M. Fox
McNair Law Firm, P.A.
Post Office Box 11390
Columbia, South Carolina 29211
(803) 799-9800
ATTORNEYS FOR
PRTCOMMUNICATIONS, LLC

August 5, 2008

⁶³ See footnote 3, *infra*.

EXHIBIT A

STATE OF SOUTH CAROLINA)
)
COUNTY OF LAURENS)

BEFORE THE

PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

Application of)	
)	
PRTCommunications, LLC)	
)	Docket No. _____
For Designation as an)	
Eligible Telecommunications)	AFFIDAVIT OF
Carrier)	RANDAL J. ODOM

PERSONALLY APPEARED BEFORE ME the undersigned WHO, BEING
DULY SWORN, deposed and said:

1. My name is Randal J. Odom, and I am a citizen of the State of South Carolina. I am of sound mind and am over the age of twenty-one years.
2. I am competent to testify to the matters stated herein.
3. The matters stated herein are based on my personal knowledge.
4. I am the Chief Financial Officer for PRTCommunications, LLC ("PRTC").
5. PRTC has filed an Application ("Application") with the South Carolina Public Service Commission ("Commission") for designation as an Eligible

Telecommunications Carrier ("ETC") within its licensed service area which includes all of Laurens County and small portions of Spartanburg, Union and Abbeville Counties in South Carolina which are served by PRTC's sole owner, Piedmont Rural Telephone Cooperative, Inc. ("PRT Cooperative"). Specifically, the Application seeks ETC designation for the non-rural incumbent local exchange carrier ("ILEC") wire center in Laurens, which is served by Verizon South Inc. ("Verizon"), in the non-rural ILEC wire centers in Clinton and Fountain Inn which are served by BellSouth ("AT&T"), and in the entire rural ILEC study area served by PRT Cooperative.

6. I have reviewed and am familiar with the contents of both the Application and PRTC's Network Improvement Plan, filed separately under seal in support of the Application, and attest to the veracity of the statements and information contained therein.

7. PRTC is a South Carolina corporation that is licensed by the Federal Communications Commission ("FCC") to provide commercial mobile radio service ("CMRS") through the Personal Communications Services ("PCS") license that is held by the Company throughout certain areas in the State of South Carolina.

8. PRTC's licensed service area covers the entire non-rural incumbent local exchange carrier ("ILEC") wire center in Laurens, South Carolina which is served by Verizon South Inc. ("Verizon") and the entire non-rural ILEC wire center in Clinton, South Carolina which is served by BellSouth ("AT&T").

9. PRTC's licensed service area also covers the entire rural study area of the ILEC and the Company's sole owner, PRT Cooperative. I am also the Chief Financial Officer of PRT Cooperative.

10. As part of my duties as Chief Financial Officer of PRTC, I am familiar with PRT Cooperative's operations and have become familiar with the contents of PRTC's Application, referenced above.

11. I am aware that current Commission and FCC regulations require an ETC applicant to agree that it will provide equal access to long distance carriers in the event that no other ETC is providing equal access within its service area.


12. I hereby certify that if PRTC is granted ETC designation by the Commission, PRTC will provide equal access to long distance carriers in the event that no other ETC is providing equal access within PRTC's service area.

13. I also certify that PRTC currently offers all of the services that are supported by the federal universal support mechanisms using PRTC's own facilities or a combination of its own facilities and of another carrier's services. Those services are set forth in more detail in Section III of the Application.


14. Further, I certify that PRTC does and will continue to advertise, in a media of general distribution, the availability of the services that are supported by the federal universal support mechanisms, and applicable charges for those services. PRTC's advertisement of these services is set forth in more detail in Section IV of the Application.

15. I also hereby certify that if PRTC is designated as an ETC, upon receipt of the federal high cost USF, it will use these funds only for the provision, maintenance, and upgrading of facilities and services for which the support is intended.

FURTHER AFFIANT SAYETH NOT.


Randal J. Odom
Chief Financial Officer
PRTCommunications, LLC

Subscribed to and sworn before me this 1st day of August 2008.


NOTARY PUBLIC FOR SOUTH CAROLINA

Carla T. Shaw
Printed Name of Notary

My Commission Expires: 4-21-09

EXHIBIT B

**PRT Communications, LLC
State of South Carolina**

**Non –Rural ILEC Wire Centers
Where ETC Designation is Sought**

<u>LEC Name</u>	<u>Wire Center</u>	<u>CLLI</u>	<u>Exchange</u>	<u>County</u>
BellSouth (“AT&T”)	Clinton	CLTNSCMA	864-833	Laurens
AT&T	Fountain Inn	FNINSCES	864-862	Laurens ¹
Verizon South, Inc.	Laurens City	LRNSSCXC	864-983/864-984	Laurens

**Wire Centers for the Entire Study Area of the Rural ILEC,
Piedmont Rural Telephone Cooperative (“PRT Cooperative”),
Where ETC Designation is Sought**

<u>LEC Name</u>	<u>Wire Center</u>	<u>CLLI</u>	<u>Exchange</u>	<u>County</u>
PRT Cooperative	Hickory Tavern	HCTVSCXA	864-575	Laurens
PRT Cooperative	Gray Court	GRCRSCXA	864-876	Laurens
PRT Cooperative	Laurens Rural	LRNSSCXB03T	864-682/864-683	Laurens
PRT Cooperative	Enoree	ENORSCXA	864-969	Laurens and small portions of Spartanburg and Union
PRT Cooperative	West End	WENDSCXA	864-861	Laurens and a portion of Abbeville
PRT Cooperative	Waterloo	WTRLSCXA	864-677	Laurens

¹ The Fountain Inn wire center served by AT&T is located in both Laurens County and Greenville County. PRT Communications, LLC’s coverage area serves only the portion of this rate center which is located in Laurens County. Accordingly, PRT Communications, LLC seeks ETC designation only for the portion of the Fountain Inn wire center that exists in Laurens County.

PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA
DOCKETING DEPARTMENT
NOTICE OF FILING AND HEARING
DOCKET NO. 2008-____-C

PRTCommunications, LLC ("PRTC" or "the Company") has filed with the Public Service Commission of South Carolina ("Commission") an Application for designation as an Eligible Telecommunications Carrier ("ETC") pursuant to 47 U.S.C. § 214(e)(2). The Company, if designated as an ETC, seeks to serve throughout the entire rural study area of the local exchange company Piedmont Rural Telephone Cooperative, Inc., and in non-rural areas of the local exchange companies Verizon South, Inc. and BellSouth Telecommunications, Inc. d/b/a AT&T South Carolina that are located in Laurens County. According to the Application, PRTC, a South Carolina corporation, is licensed by the Federal Communications Commission to provide cellular Commercial Mobile Radio Services. In the Company's Application, PRTC asserts that it meets all statutory and regulatory prerequisites for ETC designation. A copy of the Company's entire Application can be found on the Commission's website at www.psc.sc.gov under Docket Number 2008-____-C. A copy of the Application is also available from Margaret M. Fox, Esquire, McNair Law Firm, P.A., Post Office Box 11390, Columbia, South Carolina 29211.

PLEASE TAKE NOTICE a hearing on the above matter has been scheduled to begin at _____ a.m. on _____, before the Commission in the Commission's Hearing Room at 101 Executive Center Drive, Saluda Building, Columbia, South Carolina 29210.

Any person who wishes to participate in this matter, as a party of record with the right of cross-examination, should file a Petition to Intervene in accordance with the Commission's Rules of Practice and Procedure on or before _____, and indicate the amount of time required for his presentation. Please include an email address for receipt of future Commission correspondence in the Petition to Intervene. *Please refer to Docket No. 2008-____-C.*

Any person who wishes to testify and present evidence at the hearing, should notify the Docketing Department, in writing, at the address below, the Office of Regulatory Staff at Post Office Box 11263, Columbia, South Carolina 29211, and Margaret M. Fox, Esquire, at the above address, on or before _____, and indicate the amount of time required for his presentation. *Please refer to Docket No. 2008-____-C.*

Any person who wishes to be notified of any change in the hearing, but does not wish to present testimony or be a party of record, may do so by notifying the Docketing Department, in writing, at the address below on or before _____. *Please refer to Docket No. 2008-____-C.*

PLEASE TAKE NOTICE: Any person who wishes to have his or her comments considered as part of the official record of this proceeding **MUST** present such comments, in person, to the Commission during the hearing.

Persons seeking information about the Commission's Procedures should contact the Commission at (803) 896-5100.

Public Service Commission of South Carolina
Attn: Docketing Department
Post Office Drawer 11649
Columbia, South Carolina 29211

{date}